

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LINDSEY MESZAROS,

Plaintiff,

v.

ANDREW SAUL,  
*Commissioner of Social Security,*

Defendant.

No. 4:19-CV-01809

(Judge Brann)

(Magistrate Judge Cohn)

**ORDER**

**APRIL 13, 2021**

Lindsey Meszaros filed this action seeking review of a decision by the Commissioner of Social Security (“Commissioner”) denying Meszaros’ claim for social security disability benefits and supplemental security income benefits.<sup>1</sup> In March 2021, Magistrate Judge Gerald B. Cohn issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.<sup>2</sup>

Meszaros filed timely objections to the Report and Recommendation.<sup>3</sup> In her objections, Meszaros contends that Magistrate Judge Cohn erred in: (1) concluding that the administrative law judge (“ALJ”) properly afforded greater weight to a non-examining psychologist than to Meszaros’ treating physician; (2) relying on

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<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 19.

<sup>3</sup> Doc. 20.

Meszaros’ activities of daily living; (3) suggesting that Meszaros’ part-time work was probative of her ability to work full-time; (4) determining that the ALJ properly found Meszaros to have fewer limitations than did the non-examining psychologist whose opinion the ALJ afforded great weight; (5) failing to properly account for exacerbations of Meszaros’ symptoms and her inability to accurately assess her own mood and behavior; and (6) concluding that Meszaros’ past performance at work was indicative of her current ability to work.<sup>4</sup>

“If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”<sup>5</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.<sup>6</sup>

Upon *de novo* review of the record, the Court finds no error in Magistrate Judge Cohn’s conclusion that the Commissioner’s decision is supported by substantial evidence. Although Meszaros disputes some of Magistrate Judge Cohn’s observations and conclusions, Magistrate Judge Cohn correctly determined that, as

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<sup>4</sup> *Id.*

<sup>5</sup> *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

<sup>6</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

a whole, the ALJ's decision is supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Gerald B. Cohn's Report and Recommendation (Doc. 19) is **ADOPTED**;
2. The Commissioner's decision is **AFFIRMED**;
3. Final Judgment is entered in favor of Defendant and against Meszaros pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);  
and
4. The Clerk of Court is direct to **CLOSE** this case.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
United States District Judge